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TORRANCE POLICE DEPARTMENT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

17 ROBERT THOMSON,
18 Plaintiff,
19 vs.

20 TORRANCE POLICE DEPARTMENT
and THE LOS ANGELES COUNTY
21 SHERIFFS DEPARTMENT,
Defendants.

Case No. CV11-06154 SJO (JCx)
Date Action Filed: July 26, 2011

Assigned to:
U.S. District Judge S. James Otero

**NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT OR,
ALTERNATIVELY, PARTIAL
SUMMARY JUDGMENT**

[Filed Concurrently With Defendants' Memorandum of Points and Authorities; Notice of Lodging; Declaration of John Neu; Declaration of Ajit Singh Thind]

Motion Hearing Date: Feb. 27, 2012
Time: 10:00 a.m.
Courtroom: 1- 2nd Floor
Location: Spring Street

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on February 27, 2012 at 10:00 a.m., or as soon
 3 thereafter as the matter may be heard, in Courtroom 1-2nd Floor of the United States
 4 District Court for the Central District of California, located at 312 N. Spring Street,
 5 Los Angeles, CA 90012, Defendant City of Torrance Police Department (“TPD”)
 6 will and hereby does move for summary judgment or, in the alternative, for partial
 7 summary judgment (“Motion”) pursuant to Rule 56 of the Federal Rules of Civil
 8 Procedure on the complaint of Plaintiff Robert Thomson’s (“Plaintiff”).

9 PLEASE TAKE FURTHER NOTICE, that the Court reserves the right to
 10 decide matters without oral argument, but will notify the parties in advance.

11 This motion is made pursuant to the stipulation of the parties and as set forth
 12 in the court’s Order made at the Scheduling Conference held on October 24, 2011,
 13 which also served as the Local Rule 7-3 conference.

14 This Motion is brought on the ground that there is no genuine issue as to any
 15 material fact and that Defendant is entitled to judgment as a matter of law for the
 16 following reasons:

17 1. There is no Second Amendment right to carry a concealed handgun in
 18 public;

19 2. Even if the Second Amendment could be plausibly read to protect a
 20 right to a CCW license, the TPD’s Policy does not substantially burden that right,
 21 and thus it is reviewed under the rational basis test. The Policy passes constitutional
 22 muster because it is reasonably related to a legitimate governmental interest;

23 3. Even if the TPD’s Policy substantially burdened Plaintiff’s rights, and
 24 thus is reviewed under heightened scrutiny, it passes constitutional muster because
 25 the Policy is substantially related to important government interests.

26 In the event the Court determines not to grant summary judgment in full,
 27 Defendant also respectfully moves the Court, pursuant to Rule 56(d) of the Federal
 28 Rules of Civil Procedure, for an order adjudicating the facts set forth in the lodged

1 Statement of Undisputed Facts and Conclusions of Law as being without substantial
2 controversy so that such facts shall be deemed established for trial on any remaining
3 claims for relief.

4 This Motion is based upon this Notice of Motion and Motion; the
5 Memorandum of Points and Authorities in Support Thereof; the Notice of Lodging
6 (containing Defendants' Proposed Statement of Undisputed Facts and Conclusions
7 of Law, Proposed Judgment, and Proposed Order) submitted herewith; the
8 Declaration of John Neu submitted herewith; the Compendium of Exhibits
9 submitted herewith; all pleadings and papers on file in this action; any Reply papers
10 filed in support of this Motion; and such argument and further evidence as may be
11 presented at the hearing on this Motion.

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13 Dated: January 3, 2012

RUTAN & TUCKER, LLP

ROBERT S. BOWER

AJIT S. THIND

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15 By:


Ajit S. Thind

Attorneys for Defendant
TORRANCE POLICE
DEPARTMENT

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